

AMENDED IN SENATE APRIL 14, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1380

Introduced by Senator Mitchell

(Coauthors: Senators Allen, Hertzberg, Liu, and Wieckowski)

(Coauthors: Assembly Members Campos and Thurmond)

February 19, 2016

An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to ~~homelessness, and making an appropriation therefor.~~ *homelessness.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Mitchell. Homeless Coordinating and Financing Council.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons.

This bill would require a state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness, except as specified, to revise or adopt guidelines and regulations to include enumerated Housing First policies. The bill would also establish the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations and, among other things, to identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. ~~The bill would establish the Homeless Trust Fund, a continuously appropriated fund, to receive specified grant moneys and fund the administrative costs of the council, as specified.~~

~~By authorizing the deposit of moneys into a continuously appropriated fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes~~no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California leads the nation in the number of homeless
4 residents with 115,738 people experiencing homelessness at some
5 point, which is 21 percent of the nation's total. California also
6 leads the nation in the number and ratio of chronically homeless
7 residents with 29,178 chronically homeless residents at any point
8 in time, which is 31 percent of the nation's total.

9 (b) Homelessness is expensive to the state and local
10 governments. A homeless person receiving general assistance in
11 Los Angeles County, for example, incurs \$2,897 per month in
12 crisis response services.

13 (c) A chronically homeless Californian moving into "supportive
14 housing" is able to reduce costs he or she incurs by almost 80
15 percent. Moving an individual or family experiencing chronic
16 homelessness to housing stability costs less than the resulting
17 savings in public expenditures.

18 (d) Following the example of other states, as well as jurisdictions
19 within California, it is the intent of the Legislature to adopt a
20 "Housing First" model for all state programs funding housing for
21 people experiencing homelessness or at risk of homelessness.

22 (e) Housing First is an evidence-based model of ending all types
23 of homelessness and is the most effective approach to ending
24 chronic homelessness. The federal government recognizes that
25 Housing First yields high-housing retention rates, low returns to
26 homelessness, and significant reductions in crisis or institutional
27 care.

28 (f) Homelessness affects multiple systems in California. Though
29 almost every state with significant homeless populations has
30 established a council to coordinate a Housing First-oriented
31 response to homelessness, California does not have any entity to
32 manage the state's response to homelessness.

(g) California participated in a federally funded Policy Academy to reduce chronic homelessness. That Policy Academy succeeded in revising programs California’s Department of Housing and Community Development (HCD) administers, and in attracting federal funding opportunities requiring collaboration between the HCD and the State Department of Health Care Services. To implement additional successes, it is essential that California have a coordinating council on homelessness.

SEC. 2. Chapter 7 (commencing with Section 8260) is added to Division 8 of the Welfare and Institutions Code, to read:

CHAPTER 7. HOUSING FIRST AND COORDINATING COUNCIL

8260. For purposes of this chapter:

(a) “Coordinating Council” means the Homeless Coordinating and Financing Council established pursuant to Section 8262.

(b) “Core components of Housing First” means all of the following:

(1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.

(2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of “housing readiness.”

(3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.

(4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.

(5) Participation in services or program compliance is not a condition of permanent housing tenancy.

(6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California’s Civil, Health and Safety, and Government codes.

(7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.

(8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for

1 supportive housing that prioritize eligible tenants based on criteria
2 other than “first-come-first-serve,” including, but not limited to,
3 the duration or chronicity of homelessness, vulnerability to early
4 mortality, or high utilization of crisis services. Prioritization may
5 include triage tools, developed through local data, to identify
6 high-cost, high-need homeless residents.

7 (9) Case managers and service coordinators who are trained in
8 and actively employ evidence-based practices for client
9 engagement, including, but not limited to, motivational
10 interviewing and client-centered counseling.

11 (10) Services are informed by a harm-reduction philosophy that
12 recognizes drug and alcohol use and addiction as a part of tenants’
13 lives, where tenants are engaged in nonjudgmental communication
14 regarding drug and alcohol use, and where tenants are offered
15 education regarding how to avoid risky behaviors and engage in
16 safer practices, as well as connected to evidence-based treatment
17 if the tenant so chooses.

18 (11) The project and specific apartment may include special
19 physical features that accommodate disabilities, reduce harm, and
20 promote health and community and independence among tenants.

21 (c) “Homeless” has the same definition as that term is defined
22 in Section 91.5 of Title 24 of the Code of Federal Regulations.

23 (d) (1) “Housing First” means the evidence-based model that
24 uses housing as a tool, rather than a reward, for recovery and that
25 centers on providing or connecting homeless people to permanent
26 housing as quickly as possible. Housing First providers offer
27 services as needed and requested on a voluntary basis and that
28 does not make housing contingent on participation in services.

29 (2) “Housing First” includes time-limited rental or services
30 assistance, so long as the housing and service provider assists the
31 recipient in accessing permanent housing and in securing
32 longer-term rental assistance, income assistance, or employment.

33 (e) “State programs” means any programs a California state
34 agency or department funds, implements, or administers for the
35 purpose of providing housing or housing-based services to people
36 experiencing homelessness or at risk of homelessness, with the
37 exception of federally funded programs with requirements
38 inconsistent with this ~~chapter~~. *chapter or programs that fund*
39 *emergency shelters.*

1 8261. (a) Agencies and departments administering state
2 programs created on or after July 1, 2017, shall collaborate with
3 the Coordinating Council to adopt guidelines and regulations to
4 incorporate core components of Housing First.

5 (b) By July 1, 2019, agencies and departments administering
6 state programs in existence prior to July 1, 2017, shall collaborate
7 with the Coordinating Council to revise or adopt guidelines and
8 regulations that incorporate the core components of Housing First.
9 *First, if the existing guidelines and regulations do not already*
10 *incorporate the core components of Housing First.*

11 8262. (a) Within 180 days of the effective date of the measure
12 adding this chapter, the Governor shall create a Homeless
13 Coordinating and Financing Council.

14 (b) The Coordinating Council shall have the following goals:

15 (1) To oversee implementation of this chapter.

16 (2) To identify mainstream resources, benefits, and services that
17 can be accessed to prevent and end homelessness in California.

18 (3) To create partnerships among state agencies and departments,
19 local government agencies, participants in the United States
20 Department of Housing and Urban Development's Continuum of
21 Care Program, federal agencies, the United States Interagency
22 Council on Homelessness, nonprofit entities working to end
23 homelessness, and the private sector, for the purpose of arriving
24 at specific strategies to end homelessness.

25 (4) To promote systems integration to increase efficiency and
26 effectiveness.

27 (5) To coordinate existing funding and applications for
28 competitive funding. *Any action taken pursuant to this paragraph*
29 *shall not restructure or change any existing allocations or*
30 *allocation formulas.*

31 (6) To make policy and procedural recommendations to
32 legislators and other government entities.

33 (7) To identify and seek ~~money~~ *funding opportunities for state*
34 *entities that have programs to end homelessness, including, but*
35 *not limited to, federal and philanthropic funding opportunities.*
36 *opportunities, and to facilitate and coordinate those state entities'*
37 *efforts to obtain that funding.*

38 (8) To broker agreements between state agencies and
39 departments and between state agencies and departments and local
40 jurisdictions to align and coordinate resources, reduce

1 administrative burdens of accessing existing resources, and foster
2 common applications for services, operating, and capital funding.

3 (9) To serve as ~~the single~~ a statewide *facilitator, coordinator,*
4 *and policy development resource on ending homelessness planning*
5 *and policy development resource. in California.*

6 (10) To report to the Governor, federal Cabinet members, and
7 the Legislature on homelessness and work to reduce homelessness.

8 (11) To ensure accountability and results in meeting the
9 strategies and goals of the council.

10 (12) *To identify and implement strategies to fight homelessness*
11 *in small communities and rural areas.*

12 (c) (1) The Governor shall appoint up to 15 members of the
13 Coordinating Council as follows:

14 ~~(1)~~

15 (A) A representative of the Governor's office.

16 ~~(2)~~

17 (B) A representative of the Department of Social Services.

18 ~~(3)~~

19 (C) A representative of the California Housing Finance Agency.

20 ~~(4)~~

21 (D) A representative of the Department of Health Care Services.

22 ~~(5)~~

23 (E) A representative of the Department of Veterans Affairs.

24 ~~(6)~~

25 (F) A representative of the Department of Corrections and
26 Rehabilitation.

27 (G) *A representative from the California Tax Credit Allocation*
28 *Committee in the Treasurer's Office.*

29 ~~(7)~~

30 (H) People who are, or have been, homeless in California, to
31 the extent funding is available to pay for travel costs and stipends.

32 ~~(8)~~

33 (I) Representatives of local agencies or organizations that
34 participate in the United States Department of Housing and Urban
35 Development's Continuum of Care Program.

36 ~~(9) State advocates and other members~~

37 (J) *A state advocate or other member* of the public or state
38 agencies, according to the Governor's discretion.

39 (2) *The council may, at its discretion, invite stakeholders,*
40 *individuals who have experienced homelessness, members of*

1 *philanthropic communities, and experts to participate in meetings*
2 *or provide information to the council.*

3 *(d) The council shall hold public meetings at least once every*
4 *quarter.*

5 ~~(d)~~

6 *(e) The members of the council shall serve at the pleasure of*
7 *the Governor. ~~The Governor shall appoint a chairperson, who may~~*
8 *~~rotate among members at terms set by the Governor.~~*

9 *(f) Within existing funding, the council may establish working*
10 *groups, task forces, or other structures from within its membership*
11 *or with outside members to assist it in its work. Working groups,*
12 *task forces, or other structures established by the council shall*
13 *determine their own meeting schedules.*

14 ~~(e)~~

15 *(g) The members shall serve without compensation, except that*
16 *members who are, or have been, homeless may receive*
17 *reimbursement for travel, per diem, or other expenses.*

18 ~~(f)~~

19 *(h) The Assistant Director for Homeless and Housing Policy*
20 *within the Department of Housing and Community Development*
21 *shall provide staff for the council.*

22 *(i) The council members may enter into memoranda of*
23 *understanding with other council members to achieve the goals*
24 *set forth in this chapter, as necessary, in order to facilitate*
25 *communication and cooperation between the entities the council*
26 *members represent.*

27 ~~8263. There is hereby established in the State Treasury the~~
28 ~~Homeless Trust Fund. Moneys in the fund shall consist of funds~~
29 ~~awarded to the state through philanthropic, federal, or other grants~~
30 ~~the Coordinating Council, or departments within the Coordinating~~
31 ~~Council, receive that are not otherwise designated to be~~
32 ~~administered by another agency and that are expressly restricted~~
33 ~~for use only for the purposes set forth in this chapter. Moneys in~~
34 ~~the fund are hereby continuously appropriated as follows:~~

35 ~~(a) For the purposes of the grant.~~

36 ~~(b) For the administrative costs of the Coordinating Council,~~
37 ~~when appropriate and available.~~

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